

Title 9

BICYCLE HELMETS

Chapter 9.01

CITATION AND PURPOSE

9.01.010 Title.

This title may be cited and referred to, and shall be known as, the "King County Bicycle Helmet Regulations."

(R&R No 03-05 (part), 7-18-2003: R&R 84 §1 (part), 12-4-92)

9.01.020 Purpose and policy declared.

A. This title is enacted as an exercise of the authority of the King County board of health to protect and preserve the public health and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

B. It is the express purpose of this title to provide for and to promote the health and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this title.

C. It is the specific intent of this title to place the obligation of complying with its requirements upon any person falling within its scope, and no provision of, nor term used in, this title is intended to impose any duty whatsoever upon King County or any of its officers or employees, for whom the implementation or enforcement of this title shall be discretionary and not mandatory.

D. Nothing contained in this title is intended to be, nor shall be construed to create or to form the basis for, a liability on the part of the King County, or its officers, employees or agents, for any injury or damage resulting from the failure of any person to comply with this title.

(R&R No 03-05 (part), 7-18-2003: R&R 84 §1 (part), 12-4-92)

9.01.030 Local municipal ordinances.

A. Nothing in this regulation is intended to limit the ability of local jurisdictions to adopt and enforce requirements regarding bicycle helmets.

(R&R No 03-05 (part), 7-18-2003)

9.01.100 Severability.

The provisions of this title are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portions of this title, or the invalidity of the

application thereof to any person or circumstance, shall not affect the validity of the remainder of this title or the validity of its application to other persons or circumstances.
(R&R No 03-05 (part), 7-18-2003: R&R 84 §1 (part), 12-4-92)

Chapter 9.04 FINDINGS

9.04.010 Findings.

A. Head injuries are a major cause of death and disability associated with the operation of a bicycle on public roadways and bike paths. Every year approximately one thousand (1,000) Americans die of bicycle-related injuries. Approximately seventy-five percent (75%) of those deaths are due to head injuries. A significant number of those individuals who survive head injuries don't return to a normal life. They are often left with profound, disabling and long-lasting conditions. From 1989 through 1998, there were thirty-five (35) bicycle-related deaths and 2,003 bicycle-related hospitalizations in King County, including Seattle.

B. Bicycle helmets have been shown to prevent head injuries suffered by bicycle riders during a crash or fall. Studies completed in 1989 and 1996 by investigators at Group Health Cooperative of Puget Sound and the Harborview Injury Prevention and Research Center show that helmet use could reduce the number of head injuries involving bicycling by sixty-nine percent (69%) to eighty-five percent (85%). The Medical Examiner noted that of the eight bicycle-related deaths in 2000, four were not wearing helmets. Moreover, the King County Child Death Review (CDR) found that of the five children who died while riding a bicycle from July 1998 through April 2002, four were unhelmeted; the CDR experts concluded that three of the children would have likely survived if a helmet had been worn. Finally, using tools developed by The Centers for Disease Control and Prevention it is estimated that nearly \$ 10 million would be saved annually in both direct and indirect costs for bicycle-related head injuries if every cyclist were wearing a helmet in King County.

C. Educational and promotional efforts in King County have increased helmet use from two percent (2%) in 1985 to 61 percent (61%) in 1999 for children ages 5-12. In 1999, bicycle helmet use in adults was observed to be seventy-one percent (71%). However, these effects have plateaued. Additional efforts are needed to augment helmet use.

D. Studies in the United States and elsewhere demonstrate that legislation is effective in increasing helmet use. Helmet laws in Georgia, Maryland, and New York increased helmet use by 26% to 40%. In North Carolina, helmet use increased 2-3 fold after legislation. Furthermore, New Zealand found a thirty percent (30%) reduction in head injuries after passage of a helmet law. Thus, regulations requiring the use of bicycle helmets enhance the effectiveness of educational efforts to reduce the number and severity of head injuries resulting from bicycle crashes. The board of health therefore finds that bicycle helmets are required for the safe operation of bicycles not powered by motor on public roadways, bicycle paths or any right-of-way or publicly owned facility located in King County, including Seattle.

(R&R No 03-05 (part), 7-18-2003: R&R 84 §1 (part), 12-4-92)

Chapter 9.07

DEFINITIONS

9.07.005 Definitions adopted.

The following definitions of this chapter are adopted for this title.
(R&R No 03-05 (part), 7-18-2003: R&R 84 §1 (part), 12-4-92)

9.07.010 Guardian.

"Guardian" means a parent, legal guardian or temporary guardian who maintains responsibility, whether voluntary or otherwise, for the safety and welfare of a person under the age of eighteen (18) years.

(R&R No 03-05 (part), 7-18-2003: R&R 84 §1 (part), 12-4-92)

9.07.020 Bicycle not powered by motor.

"Bicycle" means every device propelled solely by human power upon which a person or persons may ride, having two tandem wheels, either of which is sixteen inches or more diameter, or three wheels, any one of which is more than twenty inches in diameter (RCW 46.04.071). Within this chapter, the term "bicycle" shall include any attached trailers, side cars, and/or device being towed by a bicycle.

(R&R No 03-05 (part), 7-18-2003: R&R 84 §1 (part), 12-4-92)

Chapter 9.10 GENERAL REQUIREMENTS REGARDING BICYCLE HELMETS

9.10.010 Requirements regarding bicycle helmets.

A. Any person operating or riding on a bicycle not powered by motor on a public roadway, bicycle path or on any right-of-way or publicly owned facilities located in King County including Seattle, shall wear a protective helmet designed for bicycle safety. Such helmet shall meet or exceed the safety standards adopted by the U.S. Consumer Product Safety Commission (CPSC) 15 USCS 6004, or Z-90.4 set by the American National Standards Institute (ANSI), the Snell Foundation, the ASTM (American Society for Testing and Materials), or such subsequent nationally recognized standard for bicycle helmet performance as the county may adopt. The helmet must be equipped with either a neck or chinstrap that shall be fastened securely while the bicycle is in motion.

B. The guardian of a person under the age of eighteen (18) years shall not knowingly allow, or fail to take reasonable steps to prevent, that person from operating or riding on a bicycle not powered by motor on a public roadway, bicycle path or on any right-of-way or publicly owned facilities located in King County including Seattle, unless that person is wearing a helmet that meets the requirements of subsection (A) of this section.

C. No person shall transport another person upon a bicycle not powered by motor on a public roadway, bicycle path or on any right-of-way or publicly owned facilities located in King

County including Seattle, unless that other person is wearing a helmet that meets the requirements of subsection (A) of this section.

D. No person shall sell or offer for sale a bicycle helmet that does not meet the requirements of subsection (A) of this section.

E. No person shall rent a bicycle not powered by motor for use to another person unless the renter possesses a helmet that meets the requirements of subsection (A) of this section.
(R&R No 03-05 (part), 7-18-2003: R&R 84 §1 (part), 12-4-92)

Chapter 9.15

ENFORCEMENT

9.15.010 Enforcement.

A. A violation of this regulation is designated a civil infraction, to which the provisions of RCW Chapter 7.80 shall apply, except as set forth hereafter.

B. Any duly commissioned law enforcement officer having law enforcement authority at the place where a violation of this regulation occurs is authorized to enforce the provisions of this regulation.

C. Any person found to have committed a violation of this regulation shall be assessed a monetary penalty of thirty dollars (\$30.00) for each such violation, not including applicable court costs.

D. Whenever a court under this regulation imposes a monetary penalty, it is immediately payable. If the person is unable to pay at the time the penalty is imposed; the court may grant an extension of the period in which the penalty may be paid.

E. The court may waive, reduce or suspend the monetary penalty prescribed herein, and may impose such conditions on any waiver, reduction or suspension as it deems just. If the court determines that a person has insufficient funds to pay the monetary penalty, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

F. The first time a person has been issued a notice of infraction for violation of this regulation, if such person appears in person before the court and supplies the court with proof that between the date of the notice of infraction and the appearance date in court the person purchased a helmet that meets the requirements of this regulation, the court shall dismiss the notice of infraction without costs. Alternatively, the person issued a notice of infraction may supply the court or police department with such proof by mail, and the court, at its discretion, may elect to dismiss the notice of infraction without costs, or, if not satisfied with this proof, may require a personal appearance.

(R&R No 03-05 (part), 7-18-2003: R&R 84 §1 (part), 12-4-92)

Chapter 9.16

EFFECTIVE DATE

9.16.010 Effective date.

A. This amendment* shall take effect thirty days from the date of its adoption by the board.

(R&R No 03-05 (part), 7-18-2003)

* **Editor's Note:** "This amendment" refers to the amendment of this title by R&R No. 03-05, which amendment was adopted on July 18, 2003, and therefore became effective on August 17, 2003.